

REMARKS

Applicants have thoroughly considered the Examiner's remarks in the November 6, 2008, Office action and have amended the application to more clearly set forth aspects of the invention. This Amendment A amends claims 1, 10-19, and 21-25. Claims 9 and 20 have been canceled. No new matter has been added.

Claims 1-8, 10-19, and 21-25 are thus presented in the application for further examination. Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

Applicants request that the Examiner now have the drawings as originally filed reviewed and accepted.

Claim Rejections Under 35 U.S.C. § 101

Claims 12-19 and 21-25 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended these claims to recite a "computer-readable storage medium". Paragraph [0025] of the specification of the present application discloses "**computer readable media** may comprise **computer storage media** and **communication media**." The application distinguishes storage media from communication media. For example, "**[c]omputer storage media** include **volatile and nonvolatile, removable and non-removable media implemented in any method or technology for storage of information such as computer readable instructions, data structures, program modules or other data**." Thus, computer-readable storage media as recited in the claims are not directed to carrier waves and acoustic waves. Accordingly, Applicants request that the Examiner withdraw the rejection of said claims under 35 U.S.C. § 101.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-4, 6-8, 12-15, 17-19, and 23-25 stand rejected under 35 U.S.C. § 102(a/e) as being anticipated by Bandini et al. (U.S. Patent Application Publication No.2002/0199095 A1).

In light of the Examiner's allowance of claim 9 if rewritten in independent form including the base claim (claim 1) and any intervening claims (none), independent claim 1 has been amended to include all subject matter of claim 9, now canceled. Applicants acknowledge the Examiner's recommendation, and request that amended independent claim 1 now be allowed based on the Examiner's condition of allowable subject matter.

Further, in light of the Examiner's allowance of claim 20 if rewritten in independent form including the base claim (claim 12) and any intervening claims (none), independent claim 12 has been amended to include all subject matter of claim 20, now canceled. Applicants acknowledge the Examiner's recommendation, and request that amended independent claim 12 now be allowed based on the Examiner's condition of allowable subject matter, and further based on amendment to claims 12-25 in response to the 35 U.S.C. § 101 rejection as argued above.

Claims 2-4, 6-11 and 13-15, 17-25 are dependent on allowable independent claims 1 and 12 respectively and are allowable for at least the same reasons as stated above. Applicants respectfully request that rejection of said claims under 35 U.S.C. § 102(a/e) be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 5 and 16 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Bandini in view of what was well known in the art.

Claims 5 and 16 are dependent on allowable independent claims 1 and 12 respectively and are allowable for at least the same reasons as stated above. Applicants respectfully request that rejection of said claims under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that claims 1-8, 10-19, and 21-25 as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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